



**PAVAN PARIKH
HAMILTON COUNTY CLERK OF COURTS**

COMMON PLEAS DIVISION

**ELECTRONICALLY FILED
December 16, 2022 10:34 AM**

**PAVAN PARIKH
Clerk of Courts
Hamilton County, Ohio
CONFIRMATION 1264256**

STUART D FRANCIS

A 2204593

vs.

**UNITED FIRE CASUALTY
COMPANY**

FILING TYPE: CLASSIFICATION

PAGES FILED: 1

EFR200



COURT OF COMMON PLEAS
HAMILTON COUNTY, OHIO

CLASSIFICATION FORM

WWW.COURTCLERK.ORG

Pavan Parikh

CLERK OF COURTS

CASE NUMBER: _____ PLAINTIFF: Stuart D. Francis

PURSUANT TO SUPERINTENDENCE RULE 4, THIS CASE WAS ORIGINALLY FILED AND DISMISSED

UNDER CASE NUMBER: _____ BY JUDGE _____

PLEASE INDICATE CLASSIFICATION INTO WHICH THIS CASE FALLS (please only check one):

☐ Other Tort – C360
☐ Personal Injury – C310
☐ Wrongful Death – C320
☐ Vehicle Accident – C370

☐ Professional Tort – A300
☐ Personal Injury – A310
☐ Wrongful Death – A320
☐ Legal Malpractice – A330
☐ Medical Malpractice – A340

☐ Product Liability – B350
☐ Personal Injury – B310
☐ Wrongful Death – B320

☐ Worker's Compensation
☐ Non-Compliant Employer – D410
☐ Appeal – D420

☐ Administrative Appeals – F600
☐ Appeal Civil Service – F610
☐ Appeal Motor Vehicle – F620
☐ Appeal Unemployment – F630
☐ Appeal Liquor – F640
☐ Appeal Taxes – F650
☐ Appeal Zoning – F660

☐ Certificate of Qualification – H600

☒ Other Civil – H700-34
☐ Appropriation – H710
☐ Accounting – H720
☐ Beyond Jurisdiction – 730
☐ Breach of Contract – 740
☐ Cancel Land Contract – 750
☐ Change of Venue – H760
☐ Class Action – H770
☐ Convey Declared Void – H780
☐ Declaratory Judgment – H790
☐ Discharge Mechanics Lien – H800
☐ Dissolve Partnership – H810
☐ CONSUMER SALES ACT (1345 ORC) – H820
☐ Check here if relief includes declaratory judgment, injunction or class action recovery – H825
☐ Habeas Corpus – H830
☐ Injunction – H840
☐ Mandamus – H850
☐ On Account – H860
☐ Partition – H870
☐ Quiet Title – H880
☐ Replevin – H890
☐ Sale of Real Estate – H900
☐ Specific Performance – 910
☐ Restraining Order – H920
☐ Testimony – H930-21
☐ Environmental – H940
☐ Cognovit – H950
☐ Menacing by Stalking – H960
☐ Repo Title – Transfer of Title Only – 970
☐ Court Ordered Title – H980
☐ Injunction Sexual Predator – 990
☐ SB 10 – Termination – H690
☐ SB 10 – Reclassification – H697

DATE: 12/16/2022

ATTORNEY (PRINT): Kelly Mulloy Myers

OHIO SUPREME COURT NUMBER: 0065698



**PAVAN PARIKH
HAMILTON COUNTY CLERK OF COURTS**

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STUART D FRANCIS

A 2204593

vs.

**UNITED FIRE CASUALTY
COMPANY**

**FILING TYPE: INITIAL FILING (OUT OF COUNTY) WITH JURY
DEMAND**

PAGES FILED: 6

**IN THE COURT OF COMMON PLEAS
HAMILTON COUNTY, OHIO**

STUART D. FRANCIS,
7910 Blairhouse Dr.
Cincinnati, Ohio 45244

Plaintiff,

v.

**UNITED FIRE & CASUALTY
COMPANY**
118 Second Avenue SE
Cedar Rapids, IA 52401

Defendant.

: Case No. _____

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Judge _____

COMPLAINT WITH JURY DEMAND

Plaintiff Stuart D. Francis states the following claims against Defendant:

PARTIES

1. Plaintiff Stuart D. Francis (“Francis” or “Plaintiff”) is an Ohio resident.
2. Defendant United Fire & Casualty Company (“UFG” or “Defendant”) is a foreign corporation incorporated in Iowa.
3. At all relevant times, UFG employed, trained, and paid Ohio residents.

JURISDICTION AND VENUE

4. This Court has personal jurisdiction over Defendant, which maintains business operations in Hamilton County, Ohio, and has caused tortious injury in Hamilton County, Ohio.
5. This Court has jurisdiction over the claims as the estimated damages exceed \$15,000.
6. This court has jurisdiction because Plaintiff timely filed a complaint with the Ohio Civil Rights Commission and timely filed this Complaint upon receipt of his Notice of Right to Sue.

7. This Court is a proper venue as Defendant conducted activity in Hamilton County, Ohio that gave rise to the legal claims in this Complaint.

FACTUAL ALLEGATIONS

8. Plaintiff Francis was hired by Defendant UFG on August 15, 2015.

9. Plaintiff was employed as a Senior Surety Production Underwriter.

10. At all relevant times, Plaintiff was fully qualified for his role.

11. Prior to his termination, Plaintiff did not receive any formal discipline, nor did he receive negative performance reviews.

12. Plaintiff has been diagnosed with Generalized Anxiety Disorder, Attention Deficit Hyperactivity Disorder, Major Depression, Alcoholism, and Post-Traumatic Stress Disorder.

13. These conditions significantly limit Plaintiff's major life activities, including concentrating and communicating.

14. Specific symptoms include problems with focus, extreme anxiety, social isolation, obsessive ruminations, tremors, and difficulty sleeping.

15. These symptoms were exacerbated by Plaintiff's role with UFG.

16. Plaintiff's job required frequent travel between and within Ohio, Indiana, Pennsylvania, and New Jersey.

17. The job was competitive and highly stressful.

18. By mid- to late-2019, Plaintiff noticed his behavior was becoming erratic.

19. Plaintiff informed his direct supervisor's supervisor, Dennis Richmann, of his disabilities and proposed reasonable accommodations, such as a reduced role with a correspondingly reduced salary.

20. Mr. Richmann did not engage in a collaborative accommodations process, did not

propose alternatives to Plaintiff's accommodation proposal, and was in no way receptive to potential accommodations for Plaintiff's disabilities.

21. Plaintiff applied for a medical leave of absence.

22. Plaintiff's leave began on November 15, 2019.

23. Plaintiff's leave was scheduled to expire on February 2, 2020.

24. Prior to the expiration of his leave, Plaintiff once again attempted to engage Defendant in collaborative discussions regarding work accommodations as recommended by his therapist and doctor.

25. Plaintiff reached out to Sandra Monahan, a Benefits Manager in the HR department, to discuss an extension of leave or a plan to make an initial return to work on a modified basis.

26. Ms. Monahan recommended that Plaintiff reach out to Voya, the insurance company handling Plaintiff's short term disability leave.

27. Ms. Monahan did not propose any other alternatives, nor did she otherwise engage Plaintiff in a discussion regarding accommodations.

28. For three weeks, Plaintiff received no further communications from Defendant, Ms. Monahan, or any other agent authorized to collaborate on Plaintiff's accommodations.

29. Abruptly, on February 19, 2020, Ms. Monahan informed Plaintiff that he was to return to work and assume all prior responsibilities and duties by March 2, 2020, or he would be terminated.

30. Ms. Monahan presented Plaintiff with this ultimatum and did not provide alternatives, nor discuss accommodations.

31. On February 25, 2020, Defendant terminated Plaintiff's employment.

32. Defendant did not follow its own internal termination policies.

33. Defendant failed to engage in an interactive process with Plaintiff to discuss reasonable accommodations.

34. For the foregoing reasons, Plaintiff seeks a jury trial for the following claims.

FIRST CLAIM

(Disability Discrimination - O.R.C. § 4112.02, *et seq.*)

35. Plaintiff incorporates in this Claim all allegations listed above.

36. Plaintiff has disabilities that are recognized as such under O.R.C. § 4112.01(A)(13).

37. Plaintiff was at all relevant times fully qualified for his position.

38. Defendant had actual knowledge of Plaintiff's disabilities.

39. Defendant failed to accommodate Plaintiff's disabilities despite repeated attempts to negotiate by Plaintiff.

40. Plaintiff was summarily fired rather than being offered any form of accommodations.

41. Plaintiff was discriminated against on the basis of his disabilities by failing to accommodate his disabilities, treating him less favorably than non-disabled employees and terminating his employment on account of his disabilities.

42. As a result, Plaintiff has suffered damages, including, but not limited to, lost wages and emotional distress and is entitled to compensation.

43. Defendant's conduct was intentional, willful, wanton, malicious and in reckless disregard of Plaintiff's legal rights.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Stuart D. Francis demands the following relief:

- a) That Defendant be enjoined from further unlawful conduct as described in the Complaint;
- b) That Plaintiff be reinstated to his employment;
- c) That Plaintiff be awarded all lost wages and benefits;
- d) That Plaintiff be awarded compensatory damages;
- e) That Plaintiff be awarded punitive damages;
- f) That Plaintiff be awarded pre-judgment and post-judgment interest;
- g) That Plaintiff be awarded reasonable attorneys' fees and costs;
- h) That Plaintiff be compensated for the adverse tax consequences of receiving a lump sum award rather than his compensation over several separate tax years; and
- i) That Plaintiff be awarded all other legal and equitable relief to which he may be entitled.

Respectfully submitted,

/s/ Kelly Mulloy Myers

Kelly Mulloy Myers (0065698)

Paige E. Richardson (0102380)

FREKING MYERS & REUL LLC

600 Vine Street 9th Floor

Cincinnati, OH 45202

P: (513) 721-1975 | Fax: (513) 651-2570

kmyers@fmr.law

prichardson@fmr.law

Trial Attorneys for Plaintiff

JURY DEMAND

Plaintiffs hereby demand a trial by jury on all matters so triable.

/s/ Kelly Mulloy Myers



**PAVAN PARIKH
HAMILTON COUNTY CLERK OF COURTS**

COMMON PLEAS DIVISION

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**PAVAN PARIKH
Clerk of Courts
Hamilton County, Ohio
CONFIRMATION 1264256**

STUART D FRANCIS

A 2204593

vs.

**UNITED FIRE CASUALTY
COMPANY**

**FILING TYPE: WRITTEN REQUEST FOR SERVICE (CERTIFIED
MAIL)**

PAGES FILED: 1



COMMON PLEAS COURT
HAMILTON COUNTY, OHIO

Stuart D. Francis

CASE NO. _____

VS

DOCUMENT TO BE SERVED & ITS FILED DATE

United Fire & Casualty Company

12/16/2022 Initial filing documents

PLAINTIFF/DEFENDANT REQUESTS:



CERTIFIED MAIL SERVICE



EXPRESS MAIL SERVICE



PERSONAL SERVICE



REGULAR MAIL SERVICE



PROCESS SERVICE



RESIDENCE SERVICE



REGISTERED INTERNATIONAL



FOREIGN SHERIFF

ON:

1) United Fire & Casualty Company
118 Secibd Avenue SE
Cedar Rapids, IA 52401

3) _____

2) United Fire & Casualty Company
C/O CT Corporation System
400 E Court Ave.
Des Moines, IA 50309

4) _____

Kelly Mulloy Myers

ATTORNEY

600 Vine St., 9th Fl., Cinti, OH 45202

ADDRESS

513-721-1975

PHONENUMBER

0065698

ATTORNEY NUMBER

COURT OF COMMON PLEAS
HAMILTON COUNTY, OHIO

STUART D FRANCIS
PLAINTIFF

-- vs --

Use below number on
all future pleadings

No. A 2204593
SUMMONS

UNITED FIRE CASUALTY COMPANY
DEFENDANT

UNITED FIRE CASUALTY COMPANY
% CT CORPORATION SYSTEM
400 E COURT AVE
DES MOINES IA 50309

D - 1

You are notified
that you have been named Defendant(s) in a complaint filed by

STUART D FRANCIS
7910 BLAIRHOUSE DR
CINCINNATI OH 45244

Plaintiff(s)

in the Hamilton County, COMMON PLEAS CIVIL Division,
**PAVAN PARIKH, 1000 MAIN STREET ROOM 315,
CINCINNATI, OH 45202.**

You are hereby summoned and required to serve upon the plaintiff's attorney, or upon the plaintiff, if he/she has no attorney of record, a copy of an answer to the complaint within twenty-eight (28) days after service of this summons on you, exclusive of the day of service. Your answer must be filed with the Court within three (3) days after the service of a copy of the answer on the plaintiff's attorney.

Further, pursuant to Local Rule 10 of Hamilton County, you are also required to file a Notification Form to receive notice of all future hearings.

If you fail to appear and defend, judgement by default will be rendered against you for the relief demanded in the attached complaint.

Name and Address of attorney
KELLY MULLOY MYERS
600 VINE STREETT
9TH FLOOR
CINCINNATI OH 45202

PAVAN PARIKH
Clerk, Court of Common Pleas
Hamilton County, Ohio

By RICK HOFMANN
Deputy

Date: December 20, 2022



D136940599

COURT OF COMMON PLEAS
HAMILTON COUNTY, OHIO

STUART D FRANCIS
PLAINTIFF

-- vs --

Use below number on
all future pleadings

No. A 2204593
SUMMONS

UNITED FIRE CASUALTY COMPANY
DEFENDANT

UNITED FIRE CASUALTY COMPANY
118 SECOND AVENUE SE
CEDAR RAPIDS IA 52401

D - 1

You are notified
that you have been named Defendant(s) in a complaint filed by

STUART D FRANCIS
7910 BLAIRHOUSE DR
CINCINNATI OH 45244

Plaintiff(s)

in the Hamilton County, COMMON PLEAS CIVIL Division,
PAVAN PARIKH, 1000 MAIN STREET ROOM 315,
CINCINNATI, OH 45202.

You are hereby summoned and required to serve upon the plaintiff's attorney, or upon the plaintiff, if he/she has no attorney of record, a copy of an answer to the complaint within twenty-eight (28) days after service of this summons on you, exclusive of the day of service. Your answer must be filed with the Court within three (3) days after the service of a copy of the answer on the plaintiff's attorney.

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If you fail to appear and defend, judgement by default will be rendered against you for the relief demanded in the attached complaint.

Name and Address of attorney
KELLY MULLOY MYERS
600 VINE STREETT
9TH FLOOR
CINCINNATI OH 45202

PAVAN PARIKH
Clerk, Court of Common Pleas
Hamilton County, Ohio

By RICK HOFMANN
Deputy

Date: December 20, 2022



D136940580



**UNITED STATES
POSTAL SERVICE**

ELIMINATING CERTIFIED MAIL SERVICE RETURN
SUMMONS & COMPLAINT
A 2204593 D1
UNITED FIRE CASUALTY COMPANY
FILED: 12/26/2022 6:50:25

Date Produced: 12/26/2022

HAMILTON COUNTY CLERK OF COURTS:

The following is the delivery information for Certified Mail™ item number 7194 5168 6310 0977 6716. Our records indicate that this item was delivered on 12/22/2022 at 11:05 a.m. in CEDAR RAPIDS, IA 52401. The scanned image of the recipient information is provided below.

Signature of Recipient :

Address of Recipient :

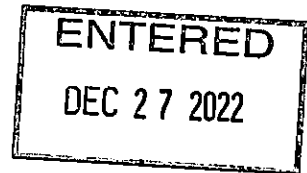
Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,
United States Postal Service

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Customer Reference Number: 17561243SEQ1

IN THE COURT OF COMMON PLEAS
HAMILTON COUNTY, OHIO
CIVIL DIVISION



STUART D. FRANCIS,

Case No. A 2204593

Plaintiff,

JUDGE WENDE C. CROSS

v.

UNITED FIRE CASUALTY
COMPANY,

INITIAL CASE ORDER

Defendant.



This matter is set for a Case Management Conference ("CMC"). However, due to the Court's overcrowded docket, the exact date and time for your CMC may change. Any updates will be sent via the assignment commissioner and the Clerk of Court's automated notification system or can be found on the docket.

Case management conferences for most civil cases will be set for telephone conferences but can be changed to an in-person conference upon agreement of the parties. Counsel appearing at a case management conference must be prepared to set discovery and trial dates. Pursuant to Civ.R. 26(F), attorneys are to meet 21 days prior to the CMC and develop a discovery plan for filing 7 days prior to the CMC. Adherence to Civ.R. 26(F) will be strictly enforced. The parties are instructed to use the 26(F) discovery plan template on Judge Cross' Courtroom Rules webpage <https://hamiltoncountycourts.org/wp-content/uploads/2021/06/rule26-v3.pdf>. **Please email a courtesy copy of the 26(F) Report to Judge Cross' Staff Attorney.** The parties should not wait for the case management conference before beginning to conduct discovery. Initial discovery including interrogatories and requests for production of documents should be served prior to the case management conference.

At least one Defendant must be served before the Case Management Conference. If no Defendant has been served 21 days before the Case Management Conference, Plaintiff shall file a motion to extend the Case Management Conference to a date after which service is expected to be accomplished and explain Plaintiff's plans to obtain service. The Court will reschedule the CMC to a new date. Since the Supreme Court of Ohio expects most civil cases to be completed within two years of filing, if no Defendant is served within six months of filing the Complaint, the Court will issue an Order asking Plaintiff to show cause why the case should be dismissed.

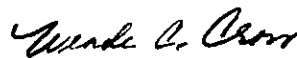
If Plaintiff files a motion for default judgment prior to the Case Management Conference, the Case Management Conference date will be vacated once counsel schedules the motion for default hearing with the Assignment Commissioner. Please refer to Local Rule 13 for more details about this process.

Any party who is not represented by Counsel is required to file a Notification Form with the Clerk of Courts providing a mailing address, email address, and phone number. Each unrepresented party must keep their contact information updated until the case is closed. The Notification Form can be found here: <https://www.courtclerk.org/forms/notificationform.pdf>

Please become familiar with Judge Wende Cross' Rules of Court on the Court's website. The rules may change and court staff contact information may change over time:

<https://hamiltoncountycourts.org/index.php/common-pleas-court-judge-wende-c-cross/>

IT IS SO ORDERED.



Judge Wende C. Cross
Hamilton County Court of Common Pleas

Date: 12-27-22

-----Original Message-----

From: CPindex@cms.hamilton-co.org <CPindex@cms.hamilton-co.org>

Sent: Tuesday, December 27, 2022 8:14 AM

To: Kelly Mulloy Myers <KMyers@fmr.law>; docket <docket@fmr.law>; Samantha O. Carnevale <SCarnevale@fmr.law>

Subject: A/C COMMON PLEAS POSTCARDS FOR: A 2204593 - DECEMBER 27, 2022 08:14 AM

AC Common Pleas Electronic Postcard CH481

1000 Main Street Hamilton County Courthouse Cincinnati OH 45202

STUART D FRANCIS

VS

UNITED FIRE CASUALTY COM

CASE: A 2204593

FOR:

CMC INITIAL CASE MANAGEMEME

ON 03/02/2023 AT 2:00 pm

IN ROOM COURTHOUSE ROOM 380

Judge WENDE C CROSS

KELLY MULLOY MYERS

ANYONE ENTERING COURT FACILITIES SHALL AT ALL TIMES WEAR A FACE COVERING OR MASK



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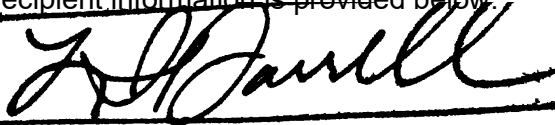
Case 1:23-cv-00883-JH Doc #: 1-1 Filed 01/02/23 Page 18 of 18
ELECTRONIC CERTIFIED MAIL SERVICE RETURN
SUMMONS & COMPLAINT
A 2204593 D1
UNITED FIRE CASUALTY COMPANY
FILED: 01/02/2023 6:48:26

Date Produced: 01/02/2023

HAMILTON COUNTY CLERK OF COURTS:

The following is the delivery information for Certified Mail™ item number 7194 5168 6310 0977 6723. Our records indicate that this item was delivered on 12/27/2022 at 10:46 a.m. in DES MOINES, IA 50309. The scanned image of the recipient information is provided below.

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Lisa Darrell

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400 E Court Ste 110

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